

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'17 JUN 21 P2:19

SENATE

RECEIVED BY: _____

S.B. No. 1492

Introduced by Senator JOEL VILLANUEVA

**AN ACT
PENALIZING THE MALICIOUS DISTRIBUTION OF FALSE NEWS
AND OTHER RELATED VIOLATIONS**

EXPLANATORY NOTE

The advent of modern technology has caused a shift from traditional news reporting in print and broadcast media to the internet, especially on social media platforms. This has gained special significance during the 2016 national elections, where, reportedly, numerous fake accounts were created calculated to spread false news.

It is not surprising, therefore, that we hear and read the phrase "fake news" every day.

Indeed, the effect of fake news should not be taken lightly. Fake news creates impression and beliefs based on false premises leading to division, misunderstanding and further exacerbating otherwise tenuous relations.

In May 2017, the Chief of Staff of the Armed Forces of the Philippines, General Año, ordered the investigation of a complaint against soldiers who posted their comments following a fake news posted online.¹ This incident is only one of the recent events that illustrates why the proliferation of fake news should not be tolerated and its authors and distributors penalized accordingly, especially when the public interest is at stake.

In Germany, a bill was recently approved penalizing social networking sites for their failure to immediately remove illegal contents and imposing fines of up to Fifty Million Euros.

¹ <http://newsinfo.inquirer.net/893397/afp-chief-orders-probe-on-social-media-complaint-vs-soldiers> (date last accessed: June 17, 2017)

This bill seeks to penalize any person who maliciously offer, publish, distribute, circulate and spread false news or information or cause the publication, distribution, circulation or spreading of the same in print, broadcast or online media. To be covered under this Act, such false news or information must cause or tend to cause panic, division, chaos, violence, hate or must exhibit or tend to exhibit a propaganda to blacken or discredit one's reputation. In addition, the person doing any of the foregoing acts must have full knowledge that such news or information is false, or have reasonable grounds to believe that the same is false. Any person who will be found guilty of committing any of the foregoing acts will be punished by a fine ranging from One Hundred Thousand Pesos (P100,000) to Five Million Pesos (P5,000,000) and imprisonment ranging from one (1) to five (5) years. Stiffer penalties will be imposed if the offender is a public official.

In addition, this bill proposes to penalize any mass media enterprise or social media platform that fails, neglects or refuses to remove false news or information within a reasonable period after having knowledge, or having reasonable grounds to believe, of its falsity. Violators will be punished by a fine ranging from Ten Million Pesos (P10,000,000) to Twenty Million Pesos (P20,000,000) and imprisonment ranging from ten (10) to twenty (20) years. If the offender is a corporation, the President, Chief Executive Officer and other responsible officers will suffer the penalty of imprisonment.

The passage of this bill will encourage our citizens, especially public officers, to be more responsible and circumspect in creating, distributing and/or sharing news. Addressing national and global concerns should not be made more complicated by false news calculated to cause disunity, panic, chaos and/or violence.

Thus, the immediate passage of this bill is sought.


SENATOR JOEL VILLANUEVA

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Title.** This Act shall be known as the "Anti-Fake News Act of 2017."
2

3 **SECTION 2. Malicious Creation and Distribution of False News.** It shall be
4 unlawful for any person to maliciously offer, publish, distribute, circulate and spread
5 false news or information or cause the publication, distribution, circulation or
6 spreading of the same in print, broadcast or online media, provided that, such false
7 news or information cause or tend to cause panic, division, chaos, violence, hate or
8 which exhibit or tend to exhibit a propaganda to blacken or discredit one's reputation
9 and the person knowingly commits such act with full knowledge that such news or
10 information is false, or with reasonable grounds to believe that the same is false.
11

12 Any person who shall be found guilty of committing any of the foregoing acts shall be
13 punished by a fine ranging from One Hundred Thousand Pesos (P100,000) to Five
14 Million Pesos (P5,000,000) and imprisonment ranging from one (1) to five (5) years.
15

16 Any person who aids or abets any person committing any of the foregoing acts shall
17 be liable for a fine ranging from Fifty Thousand Pesos (P50,000) to Three Million
18 Pesos (P3,000,000) and imprisonment ranging from six (6) months to three (3) years.
19

20 If the offender is a public official, he shall be liable for twice the amount of the fine
21 imposed above, and be imprisoned for two times longer than the period provided
22 herein. In addition, he shall also suffer the accessory penalty of absolute perpetual
23 disqualification from holding any public office.
24
25

1 **SECTION 3. Failure to Remove False News.** It shall be unlawful for any mass media
2 enterprise or social media platform to fail, neglect or refuse to remove false news or
3 information within a reasonable period after having knowledge, or having reasonable
4 grounds to believe, of its falsity. Any person violating this provision shall be punished
5 by a fine ranging from Ten Million Pesos (P10,000,000) to Twenty Million Pesos
6 (P20,000,000) and imprisonment ranging from ten (10) to twenty (20) years. If the
7 offender is a corporation, the President, Chief Executive Officer and other responsible
8 officers shall suffer the penalty of imprisonment.

9
10 **SECTION 4. Separability Clause.** If any provisions of this Act is declared invalid, the
11 provisions thereof not affected by such declaration shall remain in force and effect.

12
13 **SECTION 5. Repealing clause.** All laws, executive orders, rules and regulations, or
14 parts thereof, inconsistent with the provisions of this Act are hereby repealed or
15 amended accordingly.

16
17 **SECTION 6. Effectivity.** This Act shall take effect fifteen (15) days after its publication
18 in two (2) national newspapers of general circulation.

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20 Approved.
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